

SAFETY RESEARCH & STRATEGIES, INC.,
Plaintiff,
v.
U.S. DEPARTMENT OF TRANSPORTATION,
Defendant.

Plaintiff, Safety Research & Strategies, Inc., and Defendant, United States Department of Transportation, hereby settle and compromise the above entitled lawsuit brought under the Freedom of Information Act, 5 U.S.C. § 552, as amended, (“FOIA”) on the following terms:

2. Defendant shall pay \$10,250 (ten thousand, two hundred and fifty dollars) in attorneys' fees and costs to Plaintiff. Payment of this money will be made by electronic transfer within thirty days (30) calendar days after notification of the Court's entry of this Stipulation and pursuant to the wiring instructions previously provided to Defendant by Plaintiff.

3. Defendant agrees to make a discretionary release within fourteen (14) calendar days after notification of the Court's entry of this Stipulation of the one hundred and twenty-four (124) photographs that are the subject of this litigation, but shall redact and withhold the VIN and

license plate numbers from any photographs that contain that information.

4. Defendant agrees to make a discretionary release within fourteen (14) calendar days after notification of the Court's entry of this Stipulation of the visual portions of the eighteen (18) videos that are the subject of this litigation, but shall redact, remove and/or withhold in their entirety the audio portions of those video recordings.

5. Defendant represents to Plaintiff that no records of communications between Defendant and Toyota underlying the Emerging Incident Briefing "Buyback RX-350" record that was produced, beyond that already released or described to Plaintiff, were located during the course of Defendant's search in this matter.

6. This Stipulation of Settlement constitutes the full and complete satisfaction of any and all claims arising from (a) the allegations set forth in the complaint filed in this lawsuit and (b) any litigation or administrative proceeding that Plaintiff has brought, could bring, or could have brought regarding Plaintiff's FOIA request in this case.

7. This Stipulation of Settlement does not constitute an admission of liability or fault on the part of Defendant, the United States, its agents, servants, or employees, and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation. Further, this Stipulation of Settlement and the provision of information pursuant to paragraphs 3 and 4 above is not a subject matter waiver of any privilege and/or exemption Defendant could otherwise invoke in litigation and/or pursuant to FOIA.

8. This Stipulation of Settlement is binding upon and inures to the benefit of the parties hereto and their respective successors and assigns.

9. The Court retains jurisdiction over enforcement of any provision of this

Stipulation of Settlement, and if the payment specified above is not timely made, the Court may set aside the dismissal and reopen the case in order to permit further consideration of Plaintiff's claims for attorney's fees and costs herein.

10. Execution and filing of this Stipulation of Settlement by counsel for Plaintiff and by counsel for Defendant constitutes a dismissal of this lawsuit, with prejudice, effective upon entry by the Court, pursuant to Rule 41(a)(1)(A)(ii). Any and all remaining issues are waived.


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Executed on 6/15/12

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It is SO ORDERED on this 18th day of June, 2012



UNITED STATES DISTRICT JUDGE